



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS (APRIL 22, 2025) (WEEK 17 OF 2025)

Live streaming at:

<https://www.youtube.com/user/woodburycountyiowa>

Agenda and Minutes available at:

www.woodburycountyiowa.gov

Daniel A. Bittinger II
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Kent T. Carper
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Matthew A. Ung
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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held April 22, 2025, at **4:30 p.m.** in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. Members of the public wishing to speak on an item must follow the participation rules adopted by the Board of Supervisors.

1. Please silence cell phones and other devices while in the Boardroom.
2. The Chair may recognize speakers on agenda items after initial discussion by the Board.
3. Speakers will approach the microphone one at a time and give their name and address before their statement.
4. Speakers will limit their remarks to three minutes on any one item and address their remarks to the Board.
5. At the beginning of discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action. The Chair may also request delegates provide statements on behalf of multiple speakers.
6. Any concerns or questions which do not relate to a scheduled item on the agenda will be heard under the item "Citizen Concerns." Please note the Board is legally prohibited from taking action on or engaging in deliberation on concerns not listed on the agenda, and in such cases the Chair will request further discussion take place after properly noticed.
7. Public comment by electronic or telephonic means is prohibited except for a particular agenda item when approved by the Chair 24 hours before a meeting or by a majority of the board during a meeting for a subsequent meeting.

AGENDA

3:00 p.m. Joint Closed Session with the LEC Authority {Iowa Code Chapter 21.5(1)(c)}
Dennis Butler Meeting Room

4:30 p.m. Call Meeting to Order – Pledge of Allegiance to the Flag – Moment of Silence

1. Approval of the agenda

Action

Consent Agenda

Items 2 through 4 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

2. Approval of the minutes of the April 15, 2025, meeting

3. Approval of claims

4. Human Resources – Melissa Thomas

Approval of Memorandum of Personnel Transactions

End of Consent Agenda

- | | |
|--|-------------|
| 5. Secondary Roads – Laura Sievers | |
| a. Receive bids for Pavement Markings – 2025 and return them to the county engineer for review and recommendation | Action |
| b. Award bid if low quote is clearly determined by bid results | Action |
| 6. Deputy County Recorder – Diane Swoboda Peterson | |
| Approval to have the Treasurer’s Office refund the county portion of Transfer Tax in the amount of \$487.55 to the Buchanan, Bibler, Gabor & Meis Law Firm | Action |
| 7. Board of Supervisors – Daniel Bittinger | |
| Approval of consent for the LEC Authority’s use of \$717,863.12 worth of funds provided by the County under the 05/17/2022 Board of Supervisors board action item for the additional project-related purposes of legal fees and costs, expert/consultant fees, project engineering/design fees, and owner fees | Action |
| 8. Board of Supervisors – Daniel Bittinger & Mark Nelson | |
| Approval of amendment to Development Agreement for AGP, Inc. | Action |
| 9. Budget Review Discussion for FY 26 | |
| a. Miscellaneous Review and Action – All Funds | Action |
| 10. Reports on Committee Meetings | Information |
| 11. Citizen Concerns | Information |
| 12. Board Concerns | Information |

ADJOURNMENT

CALENDAR OF EVENTS

TUE. APR 22	12:00 p.m.	Sioux City Conference Board Meeting, City Hall Council Chambers
WED., APR 23	1:00 p.m.	Region IV Hazardous Materials Response Commission, 6401 Gordon Dr.
	2:30 p.m.	Rolling Hills Community Services Region Governance Board Meeting
MON., APR 28	5:00 p.m.	Zoning Commission Meeting, Courthouse Basement Boardroom
MON., MAY 5	5:00 p.m.	Board of Adjustment meeting, Courthouse Basement Boardroom
WED., MAY 7	7:30 a.m.	SIMPCO Executive/Finance Committee, 6401 Gordon Drive
	4:45 p.m.	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
THU., MAY 8	12:00 p.m.	SIMPCO Board of Directors, 6401 Gordon Drive.
	4:00 p.m.	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
WED., MAY 14	7:30 a.m.	SIMPCO Executive Finance Committee Meeting, 6401 Gordon Dr.
	8:05 a.m.	Woodbury County Information Communication Commission, First Floor Boardroom
	12:00 p.m.	District Board of Health Meeting, 1014 Nebraska St.
	6:30 p.m.	911 Service Board Meeting, Public Safety Center, Climbing Hill
THU., MAY 15	12:00 p.m.	SIMPCO Regional Policy and Legislative Committee Meeting, 6401 Gordon Dr.
	4:30 p.m.	Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
FRI., MAY 16	11:00 p.m.	Siouxland Human Investment Partnership Board Meeting, 2540 Glenn Ave.
WED., MAY 21	12:00 p.m.	Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
THU., MAY 22	10:00 a.m.	Siouxland Regional Transit System Board of Directors Meeting, 6401 Gordon Dr.
	11:15 a.m.	Western Iowa Community Improvement Regional Housing Trust Fund, 6401 Gordon Dr.
MON., MAY 26	5:00 p.m.	Zoning Commission Meeting, Courthouse Basement Boardroom
WED., MAY 28	2:30 p.m.	Rolling Hills Community Services Region Governance Board Meeting

Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

APRIL 15, 2025, SIXTEENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, April 15, 2025, at 4:30 p.m. Board members present were Carper, Nelson, Bittinger II, and Ung; Dietrich was absent. Staff members present were Joshua Widman, Assistant County Attorney, Karen James, Board Administrative Assistant, Melissa Thomas, Human Resources Director, Ryan Ericson, Budget and Finance Director, and Michelle Skaff, Auditor/Clerk to the Board.

The regular meeting was called to order with the Pledge of Allegiance to the Flag and a Moment of Silence.

1. Motion by Bittinger second by Nelson to amend the agenda postpone approval of LEC Authorities use of funds until next week's meeting. Carried 3-0.

Motion by Bittinger second by Nelson to approve the agenda for April 15, 2025. Carried 3-0. Copy filed.

Motion by Bittinger second by Nelson to approve the following items by consent:

2. To approve minutes of the April 8, 2025 meeting. Copy filed.
3. To approve the claims totaling \$590,258.19. Copy filed.
- 4a. To receive County Recorder's report of fees collected for the period of 01/01/2025 through 03/31/2025. Copy filed.
- 4b. To receive the County Auditor's Quarterly report for the period of January 1, 2025 through March 31, 2025. Copy filed.
- 5a. To approve the separation of Austin Svendsen, Jail Sergeant, County Sheriff Dept., effective 04-04-2025. Separation; the promotion of Devan Amick, Jail Sergeant, County Sheriff Dept., effective 04-14-2025, \$36.76/hour, 37%=\$9.90/hr. Per Captain Harlow- Promoted to Sergeant.; the other of Brandon Chapple, Jail Sergeant, County Sheriff Dept., effective 04-14-2025. Changing Effective Date of Promotion from 4/16/25 to 4/14/25.; the appointment of Giovanni Padilla, Civilian Jailer, County Sheriff Dept., effective 04-16-2025, \$24.57/hour. Job Vacancy Posted on 9/12/2025. Entry Level Salary: \$24.57/hr.; the appointment of Brayden Bumsted, Civilian Jailer, County Sheriff Dept., effective 04-16-2025, \$24.57/hour. Job Vacancy Posted 9/12/25. Entry Level Salary \$24.57/hr.; and the appointment of Darren Bryant, Civilian Jailer, County Sheriff Dept., effective 04-16-2025, \$24.57/hour. Job Vacancy Posted on 9/18/2025. Entry Level Salary: \$24.57/hr. Copy filed.
- 5b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for Civilian Jailer, County Sheriff Dept. CWA Civilian: \$24.57/hour.; and for Jail Sergeant, County Sheriff Dept. CWA Civilian: \$36.76/hour. Copy filed.
- 6a. To approve the property tax refund request for Michael Baird, parcel #874511200006, 2346 Hancock Ave., in the amount of \$2015.00. Copy filed.
- 6b. To approve the property tax refund request for Alicia Rios, parcel #894730206006, 2104 Villa Ave., in the amount of \$798.00. Copy filed.

Carried 3-0.

The Board recessed for a meeting of the Orton Slough Drainage District Trustees Meeting.

The Supervisors meeting was called back to order.

8. Motion by Nelson second by Carper to approve a sergeant position in the Sheriff's office. Carried 3-0. Copy filed.
- 9a. Motion by Bittinger second by Carper to approve the worker's compensation High-Level Risk Management Action Plan Agreement. Carried 3-0. Copy filed.

- 9b. Motion by Bittinger second by Nelson to approve the collective bargaining agreement with CWA Deputy Civilian Jailers for 2025-2028. Carried 3-0. Copy filed.
- 9c. Motion by Nelson second by Carper to approve the wage reopener agreement with CWA Deputy Sheriffs for 2025-2026. Carried 3-0. Copy filed.

@4:48pm Ung joined the meeting by phone.

- 11a1. Secondary Roads District Foremen Micheal Andresen, Conservation Director Dan Heissel, Sheriff Chad Sheehan, County Attorney James Loomis, and HR Director Melissa Thomas spoke in favor of a pay increase for the wage plan employees.

Motion by Bittinger second by Nelson to approve a 3% pay increase for wage plan employees for FY26 budget. Carried 4-0. Copy filed.

- 11a2. Motion by Bittinger second by Nelson to approve purchasing 23 computer squad car tablets for the Woodbury County Sheriff's office for FY26 in the amount of \$85,234.38 out of Gaming Funds. Carried 4-0. Copy filed.

- 11b.. The board conducted a miscellaneous review of the budget.

Motion by Nelson second by Ung to increase the FY26 Building Services expenses by \$150,000 to pay for well capping at the old LEC. Carried 4-0.

Motion by Ung second by Nelson to increase revenue for the US Marshall inmates by \$600,000 for FY26, Carried 4-0.

12. Reports on committee meetings were heard.
13. Conservation Director Dan Heissel, Sheriff Chad Sheehan, and Secondary Roads District Foremen Michael Andresen thanked the board for approving a wage increase for the wage plan group.
14. Board Concerns were heard.

The Board adjourned the regular meeting until April 22, 2025.

Meeting sign in sheet. Copy filed.

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: April 22nd, 2025

*** PERSONNEL ACTION CODE:**

A - Appointment

T - Transfer

P - Promotion

D - Demotion

R-Reclassification

E- End of Probation

S - Separation

O – Other

TO: WOODBURY COUNTY BOARD OF SUPERVISORS

NAME	DEPARTMENT	EFFECTIVE DATE	JOB TITLE	SALARY REQUESTED	% INCREASE	*	REMARKS
Sherrill, Courtney	Attorney's Office	04-03-2025	Clerk II			S	Resigned
Hernandez, Leticia	Treasurer	04-23-2025	Clerk II - Tax	\$19.24/hour		A	Job Vacancy Posted on 11/27/2024. Entry Level Salary: \$19.24/hr.
Cox, Katrina	Treasurer	04-28-2025	Clerk II - MV	\$20.14/hour	5%=\$0.90/hr	R	Per AFSCME- Move from Step 1 to Step 2. Anniversary Date: 5/1/2025.
Peters, Shelley	Building Services	04-28-2025	Custodian	\$17.29/hour		A	Job Vacancy Posted on 3/19/2025. Entry Level Salary: \$17.29
Gotto, Nathan	Secondary Roads	05-05-2025	Summer Laborer - Temp	\$17.00/hour		A	Job Vacancy Posted on 2/12/25. Entry Level Salary \$17.00/hr
Dunnington, Collin	Secondary Roads	05-05-2025	Summer Laborer - Temp	\$17.00/hour		A	Job Vacancy Posted on 2/12/25. Entry Level Salary \$17.00/hr
Williams, Keondre	Secondary Roads	05-12-2025	Summer Laborer - Temp	\$17.00/hour		A	Job Vacancy Posted on 2/12/25. Entry Level Salary \$17.00/hr

APPROVED BY BOARD DATE: _____

MELISSA THOMAS, HR DIRECTOR: _____



WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 04/17/2025 Weekly Agenda Date: 04/22/2025

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Laura Sievers, PE, Woodbury County Engineer

WORDING FOR AGENDA ITEM:

Receive bids for county pavement markings for 2025

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☐

EXECUTIVE SUMMARY:

The county engineer has prepared plans for the application of pavement markings on various paved roads in Woodbury County.

BACKGROUND:

Annually the county reapplies paint to approximately 50% of its paved road system. The proposed project will be completed during the 2025 construction season.

FINANCIAL IMPACT:

The project is paid for with local Woodbury County secondary road funds.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☒

RECOMMENDATION:

- 1) I recommend that the Board receive bids for Pavement Markings - 2025 and return them to the county engineer for review and recommendation.
- 2) If quotes show a clear low quote, the engineer may recommend award at the Board meeting after opening the quotes.

ACTION REQUIRED / PROPOSED MOTION:

- 1) Motion to receive bids for Pavement Markings - 2025 and return them to the county engineer for review and recommendation.
- 2) Motion to award bid if low quote is clearly determined by bid results.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 04/14/2025 Weekly Agenda Date: 04/22/2025

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Diane Swoboda Peterson

WORDING FOR AGENDA ITEM:

Approval of a Request for a Refund of County portion of Transfer Tax

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☐

EXECUTIVE SUMMARY:

Attorney's office recorded a Deed & paid Transfer Tax in wrong county. Requested the State portion of the Transfer Tax from the Iowa Department of Revenue and are now requesting the County portion.

BACKGROUND:

See attached.

FINANCIAL IMPACT:

Total of \$487.55 of County portion of Transfer Tax refunded.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

Refund \$487.55

ACTION REQUIRED / PROPOSED MOTION:

Motion to have the Treasurer's Office refund the County portion of Transfer Tax in the amount of \$487.55 to the Buchanan, Bibler, Gabor & Meis Law Firm.

BUCHANAN, BIBLER, GABOR & MEIS

ATTORNEYS AT LAW

111 NORTH DODGE STREET

P.O. BOX 617

ALGONA, IOWA 50511

Additional Office:

3004 MAIN STREET

EMMETSBURG, IOWA 50536

(712) 852-3064

(Monday, Wednesday & Thursday)

MICHAEL E. GABOR
TODD R. BUCHANAN
CONRAD F. MEIS
JENNIFER L. HARRINGTON

A. DAVID BIBLER
SCOTT G. BUCHANAN
Of Counsel

RUSSELL G. BUCHANAN
1923-2015
GREGG A. BUCHANAN
1947-2021

(515) 295-3565

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E-MAIL - law@buchlaw.com

WEBSITE - www.northiowalaw.com

All telephones answered in Algona office on other days

April 8, 2025

Iowa State Appeal Board
Lucas Bldg
321 E 12th St #3
Des Moines, IA 50319

Woodbury County Recorder
County Courthouse
620 Douglas Street
Sioux City, IA 51101

RE: Appeal for Refund of Transfer Tax Fees
Claimant: Buchanan Law Office

To Whom It May Concern:

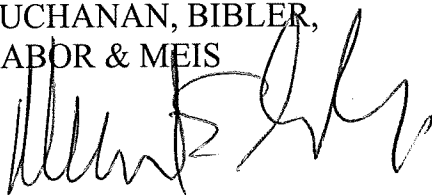
Attached hereto is the Affidavit of Lori K. Chase, and copies of two separate electronically recorded Warranty Deeds.

As set forth in the Affidavit, on April 2, 2025, the Deed was recorded with appropriate transfer tax paid to Woodbury County (\$2,826.40). Unfortunately, the property transferred by the Deed was located in *Winnebago* County. After the error was discovered, the Deed was appropriately recorded and transfer tax paid in Winnebago County.

The Buchanan Law Office seeks a refund of the State's share of the transfer tax in the amount of \$2,338.85 (82.75%) and the County's share in the amount of \$487.55.00 (17.25%) for the Deed erroneously recorded in Woodbury County.

Respectfully Submitted,

BUCHANAN, BIBLER,
GABOR & MEIS



Michael E. Gabor
MEG:lkc
Enclosures

Prepared by: Michael E. Gabor, 111 North Dodge Street, Algona, Iowa PH: (515) 295-3565
Return to: Michael E. Gabor, 111 North Dodge Street, Algona, Iowa

AFFIDAVIT OF SUBMISSION ERROR

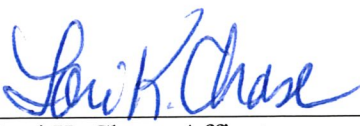
RE: The Northeast Quarter (NE¼) of Section Twenty-four (24) in Township Ninety-eight (98) North, Range Twenty-six (26), West of the Fifth Principal Meridian, Winnebago County, Iowa.

STATE OF IOWA)
) ss:
COUNTY OF KOSSUTH)

I, Lori K. Chase, being first duly sworn and subscribed on oath hereby state as follows:

1. On April 2, 2025, I erroneously e-submitted a Warranty Deed to Woodbury County on Iowa Land Records with a transfer tax amount of \$2,826.40.
2. Said Warranty Deed was recorded as Document No. 2025-03086.
3. I know of my own personal knowledge that the legal description on said Warranty Deed recorded as Document No. 2025-03086 in Woodbury County, Iowa, actually contained a Winnebago County, Iowa, legal description.
4. I subsequently e-submitted the same Warranty Deed to Winnebago County via Iowa Land Records with a with a transfer tax amount of \$2,826.40 that we advanced from the firm.

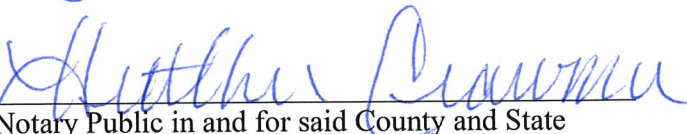
Further Affiant sayeth not.



Lori K. Chase, Affiant

Subscribed and sworn to before me on this 8th day of April, 2025.





Notary Public in and for said County and State

428A.9 Refund of tax.

To receive a refund from the state, the taxpayer shall petition the state appeal board for a refund of the amount of overpayment of the tax remitted to the department of revenue. To receive a refund from the county, the taxpayer shall petition the board of supervisors for a refund of the remaining portion of the overpayment paid to that county.

2001 Acts, ch 150, §19; 2022 Acts, ch 1061, §25; 2023 Acts, ch 64, §68

STATE APPEAL BOARD CLAIM FORM AND AFFIDAVIT
PLEASE COMPLETE FORM LEGIBLY AND IN ITS ENTIRETY
(see instructions on back)

Call 515.281.5512 with questions about form or appeal process

SUBMIT COMPLETED CLAIM FORM TO:

State Appeal Board

Department of Management

State Capitol, Room G13

1007 E. Grand Ave

Des Moines, Iowa 50319

OR

joseph.barry@dom.iowa.gov

for State Appeal Board Use Only

CLAIM NUMBER (assigned by Appeal Bd)

for State Appeal Board Use Only

DATE RECEIVED BY APPEAL BOARD

Directions: Whether a TORT claim or GENERAL claim, a **complete original Claim Form plus two copies**, with any attachments, must be submitted. The CLAIMANT and a NOTARY PUBLIC must sign a TORT claim and the Notary must witness the Claimant's signature. A notary signature is not required for General Claims. Please see specific directions on the back of this form that pertain to the type of claim you are filing.

1. NAME OF CLAIMANT (please PRINT or TYPE full name)

Buchanan Law Office

2. TELEPHONE:

PERSONAL

BUSINESS

(515) 295-3565

3. ADDRESS OF CLAIMANT (Street, City, State, Zip Code)

111 North Dodge Street

PO Box 617

Algona, IA 50511

4. Email Address:

law@buchlaw.com

5. IDENTIFY STATE AGENCY OR DEPARTMENT INVOLVED

Department of Revenue

6. STATE VENDOR CODE (if applicable)

7. LOCATION OF ACCIDENT/INCIDENT

← For Tort Claims Only →

8. DATE/TIME OF ACCIDENT/INCIDENT

9. SELECT TYPE OF CLAIM: place an X in the box (A SEPARATE claim must be filed by each claimant for each of the three types of claims defined below)

☒
☐
☐

(1) GENERAL CLAIM AMOUNT:

(2) TORT CLAIM AGAINST THE STATE

(3) TORT CLAIM AGAINST STATE EMPLOYEE(S)

Give employee(s) name(s) and department(s):

FOR TORT CLAIMS, INDICATE ONE OF THE FOLLOWING:

PROPERTY DAMAGES \$

PERSONAL INJURY \$

WRONGFUL DEATH \$

10. BASIS OF CLAIM (Please provide all the information required on the reverse side of this form. Attach separate sheets if necessary.)

Real estate transfer tax paid on the recording of a Warranty Deed in the wrong County. See attachments.

11. NAME, ADDRESS, TELEPHONE # AND EMAIL ADDRESS OF ATTORNEY, IF ONE HAS BEEN RETAINED IN THIS CASE.

Michael E. Gabor, Buchanan Law Office PH: (515) 295-3565 Email: mgabor@buchlaw.com

This section to be completed by Notary Public

NOTARY PUBLIC SIGNATURE (REQUIRED for all TORT claims)

My commission expires

Subscribed and sworn to before me this

day of , 20

I, the claimant, being duly sworn upon oath, depose and state that I have read the supplied information and the same is true and correct to the best of my belief.

CLAIMANT'S SIGNATURE (REQUIRED)

(NOTARY REQUIRED FOR TORT CLAIMS. NOTARY MUST WITNESS CLAIMANT SIGNING CLAIM FORM)

PLEASE READ ALL INSTRUCTIONS

TYPE 1: GENERAL CLAIMS (25.2)

The State Appeal Board, with the recommendation of the Special Assistant Attorney General for claims, may approve or reject claims against the state of less than five years covering the following: outdated warrants; outdated sales and use tax refunds; license refunds; additional agricultural land tax credits; outdated invoices; fuel and gas tax refunds; outdated homestead and veteran's exemptions; outdated funeral service claims; tractor fees; registration permits; outdated bills for merchandise; services furnished to the state; claims by any county or county official relating to the personal property tax credit; and refunds of fees collected by the state.

INSTRUCTIONS TO CLAIMANT

Statements, information, and evidence concerning the following items are required to support your claim.

1. Itemized statement for services rendered or merchandise furnished and the name of the state agency or employee involved. Explain why the invoice was not submitted within the current fiscal year.
2. If for a refund, explain in detail and indicate state agency involved.
3. Complete information concerning claim must be given together with amount claimed in dollars.
4. State employees claiming expenses must attach standard expense form with the agency certification signature, and explain why expenses were not submitted within the current fiscal year.

If your General Claim is denied by the State Appeal Board, it will automatically be presented to the General Assembly.

TYPE 2 & 3: TORT CLAIMS (669.2(3))

- a. Any claim against the State of Iowa for money only, on account of damage to or loss of property, or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the state while acting within the scope of the employee's office or employment under circumstances where the state, if a private person, would be liable to the claimant for such damage, loss, injury, or death.
- b. Any claim against an employee of the state for money only, on account of damage to or loss of property, or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the state while acting within the scope of the employee's office or employment.

NOTICE TO CLAIMANT

- I. Describe accident, and state in detail all known facts and circumstances attending the damage or injury, the state agency and property involved, and the cause thereof, and the names and addresses of all persons who have knowledge of any relevant facts relating to the claim.
- II. If an insurance carrier has subrogation rights, provide name, address, and policy number.
- III. In support of claim for personal injury or death, claimant shall submit the following information:
 - A. Detailed description of nature, extent, and duration of any and all injuries.
 - B. If treated by doctors, the name and address of each doctor, the dates and places where treatments were received, and the date of the last treatment.
 - C. If any hospital confinement, the name and address of each doctor, the dates and places where treatments were received, and the date of the last treatment.
 - D. If a previous injury, disease, illness, or condition is claimed to have been aggravated or accelerated, specify in detail the nature of each, and the name and present address of each doctor, if any, who rendered or is rendering treatment for said condition.
 - E. If employed at the time of accident, state:
 - (1) The name and address of the employer;
 - (2) Position held and nature of work performed;
 - (3) Average weekly wage for past year;
 - (4) Period of time lost from employment, giving dates; and
 - (5) Amount of wages lost, if any.
 - F. If other loss of income, profit, or earnings is claimed, state:
 - (1) The total amount of said loss in complete computation;
 - (2) Nature and source of loss of such income, profit, or earnings;
 - (3) Date of deprivation thereof;
 - (4) Period of time of such loss; and
 - (5) Whether loss is still continuing.
 - G. If there has been a return to employment or occupation, state:
 - (1) Name and address of present employer;
 - (2) Position held and nature of work performed; and
 - (3) Present weekly wages, earnings, income, or profit.
 - H. Itemize in complete detail all monies expended or expenses incurred, in any regard, in connection with said claim.
- IV. In support of any claim for property damage the claimant shall submit the following information:
 - A. If alleged damage relates to motor vehicle, state:
 - (1) Make, model, and year of motor vehicle;
 - (2) Amount paid by claimant for said motor vehicle and date the same was purchased;
 - (3) If repairs have been made, furnish copy of bill;
 - (4) If no repairs have been made, please provide **TWO SEPARATE ESTIMATES OF REPAIR**; and
 - (5) The specific part or parts of said motor vehicle alleged to have been damaged.
 - B. If other damaged property is in any way related to alleged claim, state:
 - (1) The specific articles of property alleged to have been damaged, clearly enumerating each article involved;
 - (2) Method by which said property was acquired. If purchased, give name of person from whom bought, purchase prices, date acquired and use to which it has been put since owned;
 - (3) Depreciated value as of date of loss;
 - (4) If repairs have been made, furnish a copy of bill; and
 - (5) If no repairs have been made, but an estimate of the cost of said repairs has been obtained, furnish a copy of said estimate.

CALL 515.281.5512 WITH QUESTIONS CONCERNING THIS FORM or THE APPEAL PROCESS

Document Number: 2025-03086
Recorded: 4/2/2025 at 3:06:25.0 PM
County Recording Fee: \$37.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$40.00
Revenue Tax: \$2,826.40
MICHELLE K. SKAFF AUDITOR & RECORDER
Woodbury County, Iowa

2,826.40x
0.8275=
2,338.846000*

2,338.85+
2,338.85*

State
Portion

WARRANTY DEED
(Several Grantors)
Recorder's Cover Sheet

2,826.40x
0.1725=
487.554000*

n: Richard E. Bordwell, 120 Central Avenue West, P.O. Box 73, Clarion,
32-2851

487.55+

n: Troy Dennis Julius, 46234 20th Avenue, Buffalo Center, IA 50424

487.55*

n: Richard E. Bordwell, 120 Central Avenue West, P.O. Box 73, Clarion,

County
Portion

nter a/k/a Pamela S. Winter and Alan Winter, Andrew Eisenman and
e K. Duran and Edward Duran and Monica M. Oetker n/k/a Monica

is Julius

Legal Description: See Page 2

Document or instrument number of previously recorded documents:



WARRANTY DEED
(Several Grantors)

For the consideration of One Dollar(s) and other valuable consideration, Pamela Winter a/k/a Pamela S. Winter and Alan Winter, Wife and Husband, Andrew Eisenman and Angela Eisenman, Husband and Wife, Julie K. Duran and Edward Duran, Wife and Husband and Monica M. Oetker n/k/a Monica Eisenman, a Single Person, do hereby Convey to Troy Dennis Julius, the following described real estate in Winnebago County, Iowa:

All of our right, title and interest in: The Northeast 1/4 of Section 24, Township 98 North, Range 26 West of the 5th P.M., Winnebago County, Iowa

There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code Section 558.69, and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 3-28-2025

Pamela Winter

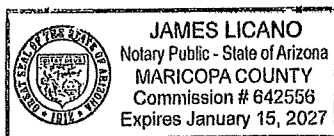
Pamela Winter, Grantor

Alan Winter

Alan Winter, Grantor

STATE OF ARIZONA, COUNTY OF MARICOPA

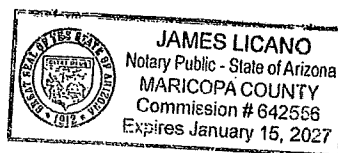
This record was acknowledged before me on JAMES LICANO by
Pamela Winter. 3-28-2025



James Licano
Signature of Notary Public

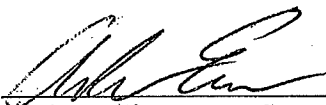
STATE OF ARIZONA, COUNTY OF MARICOPA


This record was acknowledged before me on 3-28-2025 by
Alan Winter.



James Licano
Signature of Notary Public

Dated: 3-29-2025


Andrew Eisenman, Grantor

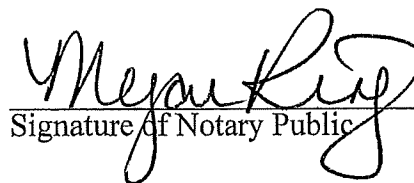

Angela Eisenman, Grantor

STATE OF IOWA, COUNTY OF Wright

This record was acknowledged before me on 3-29-2025 by
Andrew Eisenman.



Megan Ring
Commission No. 808342
My Commission Expires
January 10, 2027

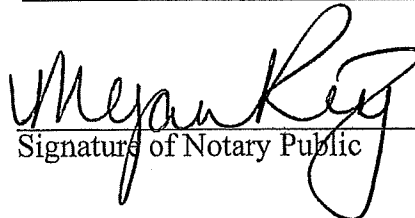

Signature of Notary Public

STATE OF IOWA, COUNTY OF Wright

This record was acknowledged before me on 3-29-2025 by
Angela Eisenman.



Megan Ring
Commission No. 808342
My Commission Expires
January 10, 2027


Signature of Notary Public

Dated: 3-28-25

Julie K. Duran
Julie K. Duran, Grantor

Edward Duran
Edward Duran, Grantor

STATE OF IOWA, COUNTY OF Linn

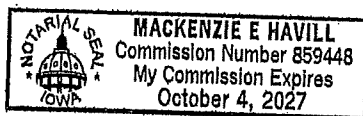
This record was acknowledged before me on 3/28/25 by
Julie K. Duran.



Mackenzie Havill
Signature of Notary Public

STATE OF IOWA, COUNTY OF Linn

This record was acknowledged before me on 3/28/25 by
Edward Duran.



Mackenzie Havill
Signature of Notary Public

Dated: 3-27-25

Monica Eisenman
Monica Eisenman, Grantor

STATE OF IOWA, COUNTY OF Wright

This record was acknowledged before me on 3-27-2025 by
Monica Eisenman.



Mary Stumpf
Commission No. 827294
My Commission Expires
November 4, 2026

Mary Stumpf
Signature of Notary Public

Winnebago County, Iowa

Shanna Eastvold, RECORDER

Instr# 2025-0368

Recorded: 4/3/2025 at 2:02:01.0 PM

BK: PG:

Number of Pages: 6

County Recording Fee: \$37.00

Iowa E-Filing Fee: \$3.00

Combined Fee: \$40.00

Revenue Tax: \$2,826.40

WARRANTY DEED

(Several Grantors)

Recorder's Cover Sheet

Preparer Information: Richard E. Bordwell, 120 Central Avenue West, P.O. Box 73, Clarion, IA 50525, Tel: 515-532-2851

Taxpayer Information: Troy Dennis Julius, 46234 20th Avenue, Buffalo Center, IA 50424

Return Document To: Richard E. Bordwell, 120 Central Avenue West, P.O. Box 73, Clarion, Iowa 50525

Grantors: Pamela Winter a/k/a Pamela S. Winter and Alan Winter, Andrew Eisenman and Angela Eisenman, Julie K. Duran and Edward Duran and Monica M. Oetker n/k/a Monica Eisenman

Grantees: Troy Dennis Julius

Legal Description: See Page 2

Document or instrument number of previously recorded documents:



WARRANTY DEED
(Several Grantors)

For the consideration of One Dollar(s) and other valuable consideration, Pamela Winter a/k/a Pamela S. Winter and Alan Winter, Wife and Husband, Andrew Eisenman and Angela Eisenman, Husband and Wife, Julie K. Duran and Edward Duran, Wife and Husband and Monica M. Oetker n/k/a Monica Eisenman, a Single Person, do hereby Convey to Troy Dennis Julius, the following described real estate in Winnebago County, Iowa:

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Dated: 3-28-2025

Pamela Winter

Pamela Winter, Grantor

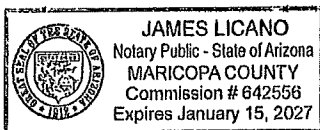
Alan Winter

Alan Winter, Grantor

STATE OF ARIZONA, COUNTY OF MARICOPA

This record was acknowledged before me on JAMES LICANO by
Pamela Winter.

3-28-2025

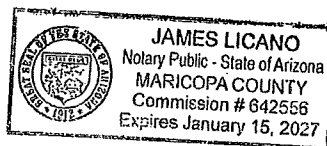


James Licano
Signature of Notary Public


STATE OF ARIZONA, COUNTY OF MARICOPA

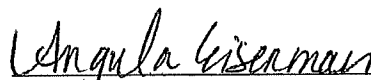
This record was acknowledged before me on 3-28-2025 by
Alan Winter.

James Licano
Signature of Notary Public



Dated: 3-29-2025


Andrew Eisenman, Grantor

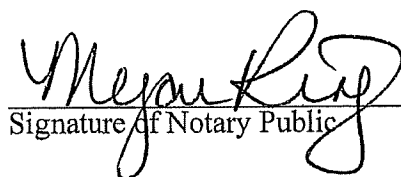

Angela Eisenman, Grantor

STATE OF IOWA, COUNTY OF Wright

This record was acknowledged before me on 3-29-2025 by
Andrew Eisenman.



Megan Ring
Commission No. 808342
My Commission Expires
January 10, 2027

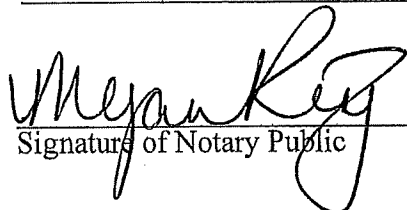

Signature of Notary Public

STATE OF IOWA, COUNTY OF Wright

This record was acknowledged before me on 3-29-2025 by
Angela Eisenman.



Megan Ring
Commission No. 808342
My Commission Expires
January 10, 2027


Signature of Notary Public

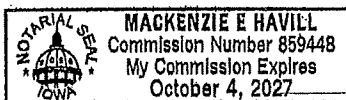
Dated: 3-28-25

Julie K. Duran
Julie K. Duran, Grantor

Edward Duran
Edward Duran, Grantor

STATE OF IOWA, COUNTY OF Linn

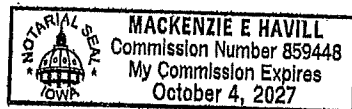
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Julie K. Duran.



Mackenzie Havill
Signature of Notary Public

STATE OF IOWA, COUNTY OF Linn

This record was acknowledged before me on 3/28/25 by
Edward Duran.



Mackenzie Havill
Signature of Notary Public

Dated: 3-27-25

Monica Eisenman
Monica Eisenman, Grantor

STATE OF IOWA, COUNTY OF Wright

This record was acknowledged before me on 3-27-2025 by
Monica Eisenman.



Mary Stumpf
Commission No. 827294
My Commission Expires
November 4, 2026

Mary Stumpf
Signature of Notary Public

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 04/17/2025

Weekly Agenda Date: 04/22/2025

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Bittinger

WORDING FOR AGENDA ITEM:

Consent for LEC Authority's Expanded Use of Site Preparation Funds

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☒

EXECUTIVE SUMMARY:

The LEC Authority and the County have identified available non-bond funds that the Authority has received over the course of the LEC project. A portion of the funds in the amount of \$717,863.12 came from the County pursuant to a Board of Supervisor board action item on 05-17-2022. The Authority requests that the County expand the permissible uses for the site preparation funds in furtherance of the project.

Expanding the permissible uses for the County supplied site preparation funds will extinguish the need for any additional 28E Agreements now or in the foreseeable future from Woodbury County.

BACKGROUND:

The LEC Authority and the County have identified available non-bond funds that the Authority has received over the course of the LEC project. A portion of the funds in the amount of \$717,863.12 came from the County pursuant to a Board of Supervisor board action item on 05-17-2022. The Authority requests that the County expand the permissible uses for the site preparation funds in furtherance of the project.

The original Board of Supervisor board action agenda item (attached) specifies that the funds can be used for the site preparations, site prep testing, gas service line and site prep misc for the project. The Authority requests that the funds can also be expended for the additional Project-related purposes of legal fees and costs, expert/consultant fees, project engineering/design fees, and owner rep. fees.

Expanding the permissible uses for the County supplied site preparation funds will extinguish the need for any additional 28E Agreements now or in the foreseeable future from Woodbury County.

This proposal has been reviewed and approved by legal counsel.

FINANCIAL IMPACT:

Woodbury County should not need to create another 28E agreement to fund the LEC Authority throughout final completion or legal mediation of the project.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

Motion to approve consent for the LEC Authority's use of \$717,863.12 worth of funds provided by the County under the 05/17/2022 Board of Supervisors board action item for the additional Project-related purposes of legal fees and costs, expert/consultant fees, project engineering/design fees, and owner fees.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve consent for the LEC Authority's use of \$717,863.12 worth of funds provided by the County under the 05/17/2022 Board of Supervisors board action item for the additional Project-related purposes of legal fees and costs, expert/consultant fees, project engineering/design fees, and owner fees.

717,863.12 Site Prep Approved.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 5/10/2022 Weekly Agenda Date: 5/17/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Dennis Butler - Finance/Budget Director

WORDING FOR AGENDA ITEM:

Approval of transfer from General Basic to Law Enforcement Center Taxable Bonds for site preparations for the new Law Enforcement Center

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☐

EXECUTIVE SUMMARY:

The Woodbury County Law Enforcement Authority needs to start the site preparations at the new facility to make it shovel ready when the total project is bid out. The authority cannot use the bond proceeds until the project is let to determine cost of the project. Also, the second bond issue cannot be sold until the cost is finalized. This contribution to the authority allows them to bid out the site preparations. The county will be reimbursed by the sale of the county farm or through covid legislation.

BACKGROUND:

On March 23, 2021, the board approved the contribution of up to \$2,000,000 to the LEC Authority for site preparations to make the LEC project shovel ready. The site preparations came to a total of \$717,863.12. The difference will stay in the General Basic Fund Reserves.

FINANCIAL IMPACT:

Site Preparations: Site Preparations: \$681,418.21; Site Prep Testing: \$17,038.00; Gas Service Line: \$18,771.76; Site Prep Misc: \$635.15. Total: \$717,863.12

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

Approve the transfer from General Basic Fund to Law Enforcement Center Taxable Bonds in the amount of \$717,863.12.

ACTION REQUIRED / PROPOSED MOTION:

Motion by _____, second by _____, to approve a transfer from General Basic Fund to Law Enforcement Center Taxable Bond Fund in the amount of \$717,863.12 to reimburse site preparation costs for the new Law Enforcement Center project.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 4/17/2025

Weekly Agenda Date: 04/22/2025

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Bittinger & Nelson

WORDING FOR AGENDA ITEM:

Approval of Amendment to Development Agreement for AGP, Inc.

ACTION REQUIRED:

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☒

Public Hearing ☐

Other: Informational ☐

Attachments ☒

EXECUTIVE SUMMARY:

AGP, Inc signed a development agreement between the Iowa Economic Development Authority and Woodbury County on November 15, 2024.

AGP, Inc had targeted goals to accomplish and all have been met or exceeded except for the category of "Jobs To Be Created". The goal was 130 jobs but at the current moment they are at 128 jobs.

The County needs to approve the amendment to waive the "Jobs To Be Created" requirement.

BACKGROUND:

See Contract Amendment

See Amendment to Development Agreement

See financial information from AGP, Inc.

FINANCIAL IMPACT:

N/A

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes ☐ No ☐

RECOMMENDATION:

Motion to approve amendment to development agreement for AGP, Inc.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve amendment to development agreement for AGP, Inc.

AGP, Inc. Financial Information regarding Sgt. Bluff Processing Site:

	Target	Projected
Capital Spend	\$71.1M	\$74.1M
Jobs	+2 130 total	126 total
Total Wages*	\$7.5M	\$8.5M
Project Completion Date	11/30/24	11/30/25
Compliance with Regulations	Yes	Yes
Minimum Assessment	\$11.2M	\$11.2M
Tax Abatement	None	None

CONTRACT AMENDMENT

RECIPIENT: Ag Processing Inc a cooperative
CONTRACT NUMBER: 22-HQJP-016
AMENDMENT NUMBER: One
APPROVAL DATE: November 15, 2024

THIS CONTRACT AMENDMENT is made by and between the **IOWA ECONOMIC DEVELOPMENT AUTHORITY** (hereafter "**IEDA**"), 1963 Bell Ave, Suite 200, Des Moines, Iowa 50315, an agency of the State of Iowa, **Ag Processing Inc a cooperative** ("**Recipient**"), 12700 West Dodge Rd., Omaha, NE 68154 and the **Woodbury County** ("**Community**") 620 Douglas Street, 6th Floor Court House, Sioux City, IA 51101.

WHEREAS, the **Recipient** has requested an extension of the Project Completion Date.

WHEREAS, the **IEDA BOARD** approved the request, and

NOW, THEREFORE, the Contract referenced above is amended as follows:

1. **REVISION OF JOB OBLIGATIONS (EXHIBIT D).** Exhibit D is hereby amended to reflect the amended Project Completion and Maintenance Period Completion Dates. Details of the changes are reflected in the attached revised Exhibit D which is hereby incorporated by this reference and made part of this Contract Amendment.

Except as otherwise revised herein, the terms, provisions, and conditions of Contract Number **22-HQJP-016** and related exhibits shall remain unchanged and are in full force and effect.

FOR RECIPIENT:


Kyle Droescher (Nov 20, 2024 13:41 CST)

SIGNATURE

Kyle Droescher

PRINT/TYPE NAME, TITLE

11/20/2024

Date

FOR IEDA:


Debi Durham (Nov 26, 2024 21:21 CST)

Debi Durham, Director

11/26/2024

Date

FOR THE COMMUNITY:


Matthew Ung (Nov 26, 2024 18:10 CST)

SIGNATURE

Matthew Ung

PRINT/TYPE NAME, TITLE

11/26/2024

Date

EXHIBIT D – JOB OBLIGATIONS

Revised on 11/15/2024

Recipient: Ag Processing Inc a cooperative
Community: Woodbury County
Contract Number: 22-HQJP-016

This Project has been awarded Project Completion Assistance and Tax Incentives from the High Quality Jobs Program (HQJP) – Tax Credit Component. The chart below outline the contractual job obligations related to this Project.

Data in the “Employment Base” column has been verified by IEDA and reflects the employment characteristics of the facility receiving funding before this award was made. Jobs to be retained as a part of this Project must be included in these calculations.

Data in the “Jobs To Be Created” column outlines the new full-time jobs (including their wage characteristics) that must be added to the employment base and, if applicable, statewide employment base as a result of this award.

At the Project Completion Date and through the Maintenance Period Completion Date, the Recipient must achieve, at a minimum, the numbers found in the “Total Job Obligations” column.

HQJP JOB OBLIGATIONS		Employment Base	Jobs To Be Created	Total Job Obligations
Project Completion Date:	November 30, 2024 November 30, 2025			
Maintenance Period Completion Date:	November 30, 2026 November 30, 2027			
Total employment at project location		128	2	130
Average wage of total employment at project location		\$28.31		
Qualifying Laborshed Wage threshold requirement (per hr)		\$20.56		
Number of jobs at or above qualifying wage		119	2	121
Average Wage of jobs at or above qualifying wage		\$29.02		

Notes re: Job Obligations

1. When determining the number of jobs at or above the qualifying wage, wages will include only the regular hourly rate that serves as the base level of compensation. The wage will not include nonregular forms of compensation such as bonuses, unusual overtime pay, commissions, stock options, pension, retirement or death benefits, unemployment benefits or other insurance, or other fringe benefits.
2. Employment Base includes 0 “Retained Jobs”.

If the Recipient uses or proposes to use a non-standard work week (8 hours a day, 5 days a week, 52 weeks a year including holidays, vacation and other paid leave), check the box below and describe that alternative schedule. The alternative schedule must meet the requirements of 261 IAC 173.2. If the box is not checked or if no alternative schedule is provided, IEDA will consider “*Full-time Equivalent (FTE) Job*” to mean the employment of one person for 8 hours per day for a 5-day, 40-hour workweek for 52 weeks per year, including paid holidays, vacations and other paid leave.

- ☐ The Recipient shall use an alternative work week for purposes of its employees described in the Contract. The alternative work week is as follows: [description].

Sufficient Benefits Deductible Requirements

Recipient shall provide Sufficient Benefits with a maximum deductible of \$1,700 for single coverage or \$3,750 for family coverage.

AMENDMENT TO DEVELOPMENT AGREEMENT

THIS AMENDMENT TO DEVELOPMENT AGREEMENT is made and entered into effective as of the __22__ day of __April_____, 2025, by and between Woodbury County, Iowa (the “County”) and Ag Processing Inc a cooperative (the “Company”).

WHEREAS, County and Company previously entered into a Development Agreement dated March 1, 2022, a true and correct copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference (the “Agreement”); and

WHEREAS, the Agreement required Company to maintain a certain “Base Employment Level” and create two (2) new full-time jobs (the “Job Obligations”); and

WHEREAS, Company, despite its good faith efforts, has fallen below the Base Employment Level and has been unable to meet the job creation obligation as a result of tight labor market conditions in Woodbury County; and

WHEREAS, County is willing to waive the Job Obligations and Base Employment Level requirements of the Agreement; and

WHEREAS, County is authorized to modify the Agreement pursuant to Woodbury County Resolution 13,399.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and in the original Agreement, the parties agree to modify and amend the Agreement as follows:

1. Paragraph 6 of the Agreement shall be, and hereby is, deleted and replaced with the following:

6. Economic Development Assistance Contract. The Company agrees that it will enter into, and maintain compliance under, a certain Economic Development Assistance Contract (the “IEDA Contract”) with the Iowa Economic Development Authority; provided, however, compliance with the Base Employment Level and Job Obligations set forth in the IEDA Contract are hereby waived. At such time that the IEDA Contract is executed, it shall be inserted as Exhibit C of this Agreement. The Company agrees to submit documentation to the County no later than each October 15 during the Term, as hereinafter defined, commencing October 15, 2024 demonstrating that the Company is in compliance with the requirements of the IEDA Contract. Furthermore, the Company agrees to provide written notice to the County within thirty (30) days of the receipt of any notification from IEDA that the Company has fallen out of compliance with the requirements of the IEDA Contract, other than the Base Employment Level and Job Obligations.

2. Paragraph 7 of the Agreement shall be, and hereby is, deleted and replaced with the following:

7. Default Provisions. The following shall be “Events of Default” under this Agreement, and the term “Event of Default” shall mean, whenever it is used in this Agreement (unless otherwise provided), any one or more of the following events:

- a) Failure by the Company to commence and complete construction of the Project pursuant to the terms and conditions of this Agreement.
- b) Failure by the Company to fully and timely remit payment of property taxes when due and owing.
- c) Failure by the Company to keep the completed Project in service as part of its business operations on the Property throughout the Term, as hereinafter defined.
- d) Failure by the Company to maintain compliance with the IEDA Contract, excluding the Base Employment Level and Job Obligations requirements waived by County under Section 6 above.
- e) Failure by the Company to comply with Sections A.2, A.3, A.4, A.5, or A.6 of this Agreement.

Whenever any event of default described in this Agreement occurs, the County shall provide written notice to the Company describing the cause of the default and the steps that must be taken by the Company in order to cure the default. The Company shall have thirty (30) days after receipt of the notice to cure the default or to provide reasonable assurances satisfactory to County that the default will be cured as soon as reasonably possible. If the Company fails to cure the default or provide reasonable assurances, the County shall then have the right to pursue any action available to it, at law or in equity, which may include:

- a) Pursue any action available to it, at law or in equity, in order to enforce the terms of this Agreement.
- b) Withholding of the Payments provided for under Section B.1 below.

3. Except as specifically amended herein, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed in duplicate as of the day and year first above written.

WOODBURY COUNTY, IOWA

By: _____
Chairperson, Board of Supervisors

Attest:

County Auditor

AG PROCESSING INC A COOPERATIVE

By:_____
Kyle Droescher
Group Vice President Finance,
Chief Financial Officer

P:\Law\General\DAVE\AGP\Sgt Bluff\Woodbury Co - AGP Amendment to Development Agr - 4-10-25.docx